

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**THIRTY-FIRST LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 6, 2008**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burkett, Corder, and Lodge, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Richard Henke, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senator Corder was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 5, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Lodge was recorded present at this order of business.

February 6, 2008

The JUDICIARY AND RULES Committee reports that **S 1373, S 1374, S 1375, S 1376, and S 1377** have been correctly printed.

DARRINGTON, Chairman

**S 1373 and S 1374** were referred to the Resources and Environment Committee.

**S 1375, S 1376, and S 1377** were referred to the Health and Welfare Committee.

February 5, 2008

The JUDICIARY AND RULES Committee reports that **S 1308 and S 1309** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1308 and S 1309**, and ordered them transmitted to the House for the signature of the Speaker.

February 5, 2008

The TRANSPORTATION Committee reports out **S 1359 and H 356** with the recommendation that they do pass.

MCGEE, Chairman

**S 1359 and H 356** were filed for second reading.

February 5, 2008

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Scott W. Patrick to the Aeronautics Advisory Board, term to expire January 31, 2012.

MCGEE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 5, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Royce Chigbrow to the State Tax Commission, term to expire April 1, 2013.

HILL, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 5, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 349, H 357, and H 358** with the recommendation that they do pass.

HILL, Chairman

**H 349, H 357, and H 358** were filed for second reading.

February 5, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1256** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, **S 1256** was referred to the Fourteenth Order of Business, General Calendar.

February 5, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1311** and **S 1257** with the recommendation that they do pass

ANDREASON, Chairman

**S 1311** and **S 1257** were filed for second reading.

February 5, 2008

The FINANCE Committee reports out **H 430** with the recommendation that it do pass.

CAMERON, Chairman

**H 430** was filed for second reading.

February 5, 2008

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Brad Corkill to the Public Charter School Commission, term to expire May 12, 2011;

Gayann DeMordaunt, to the Public Charter School Commission, term to expire May 12, 2008;

Esther Van Wart to the Public Charter School Commission, term to expire May 12, 2011.

GOEDDE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2008

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Wayne Hammon as Administrator of the Division of Financial Management, term to expire at the pleasure of the Governor.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2008

The STATE AFFAIRS Committee reports out **SCR 125** with the recommendation that it do pass.

McKENZIE, Chairman

**SCR 125** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Burkett was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

February 5, 2008

Mr. President:

I transmit herewith **H 371** which has passed the House.

ALEXANDER, Chief Clerk

**H 371** was filed for first reading.

February 5, 2008

Mr. President:

I return herewith **S 1259** which has passed the House.

ALEXANDER, Chief Clerk

**S 1259** was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

**S 1378**

#### BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE DEALER AND SALESMEN LICENSING; AMENDING SECTION 49-1602, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE IDAHO TRANSPORTATION DEPARTMENT BY DELETING REQUIREMENTS RELATING TO THE POSTING OF CERTAIN INFORMATION AT DEALERS' PRINCIPAL PLACES OF BUSINESS; AND AMENDING SECTIONS 49-105, 49-106 AND 49-117, IDAHO CODE, TO REVISE DEFINITIONS.

**S 1379**  
**BY TRANSPORTATION COMMITTEE**  
 AN ACT

RELATING TO TIRE EQUIPMENT RESTRICTIONS; AMENDING SECTION 49-104, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 49-123, IDAHO CODE, TO PROVIDE A CHAPTER REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-948, IDAHO CODE, TO PROVIDE THE IDAHO DEPARTMENT OF TRANSPORTATION WITH THE AUTHORITY TO REQUIRE CHAINS ON CERTAIN COMMERCIAL VEHICLES ON CERTAIN PASSES, TO REQUIRE THE DEPARTMENT TO TAKE CERTAIN ACTIONS WHEN REQUIRING THE CHAINS, TO PROVIDE FOR CHAINING REQUIREMENTS AND TO PROVIDE FOR EXCEPTIONS; AND DECLARING AN EMERGENCY.

**S 1380**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO PROTECTION OF CREDIT REPORTS; REPEALING SECTION 28-51-101, IDAHO CODE, RELATING TO DEFINITIONS AND SECTION 28-51-102, IDAHO CODE, RELATING TO A BLOCK OF INFORMATION APPEARING AS A RESULT OF A VIOLATION OF A CRIMINAL CODE PROVISION PROHIBITING MISAPPROPRIATION OF PERSONAL INFORMATION; AMENDING TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 52, TITLE 28, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR A SECURITY FREEZE ON A CONSUMER'S CREDIT REPORT, TO PROVIDE FOR REMOVAL OF A SECURITY FREEZE AND FOR REQUIREMENTS AND TIMING, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE FOR FEES FOR A SECURITY FREEZE, TO PROVIDE FOR CHANGES TO INFORMATION IN A CREDIT REPORT SUBJECT TO A SECURITY FREEZE, TO PROVIDE FOR PROTECTION OF PERSONAL INFORMATION AND TO PROVIDE ENFORCEMENT.

**S 1381**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO UNIFORMITY OF FIREARMS REGULATION; REPEALING SECTIONS 31-872 AND 50-343, IDAHO CODE, RELATING TO REGULATION OF FIREARMS BY COUNTIES AND CITIES; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302J, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE FOR PREEMPTION OF ALL REGULATION OF FIREARMS BY A COUNTY, CITY, CONSTITUTIONAL CORPORATION, AGENCY, BOARD OR ANY OTHER POLITICAL SUBDIVISION OF THIS STATE WITH EXCEPTIONS AND PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

**S 1382**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO LIQUOR; AMENDING SECTION 23-904, IDAHO CODE, TO REVISE LICENSE FEE PROVISIONS AND TO PROVIDE FOR LICENSE RENEWAL FEES RELATING TO

YEAR-ROUND RESORTS; AND AMENDING SECTION 23-957, IDAHO CODE, TO INCREASE THE MAXIMUM NUMBER OF YEAR-ROUND LIQUOR LICENSES THAT MAY BE ISSUED TO OWNERS, OPERATORS OR LESSEES OF CERTAIN FACILITIES LOCATED AND OPERATED WITHIN THE OWNERSHIP OR LEASEHOLD PREMISES OF YEAR-ROUND RESORTS.

**S 1378, S 1379, S 1380, S 1381, and S 1382** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 371**, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

On request by Senator Davis, granted by unanimous consent, the following amendment to the Statement of Purpose attached to **S 1328** was made:

In the first paragraph, line 4, of the Statement of Purpose, change **15-01-403(a)** to **15-01-401(a)**.

**S 1322**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1325, S 1326, S 1327, S 1328, S 1331, S 1333, S 1334, S 1335, and S 1336**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**H 361** and **H 362**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

On request by Senator Little, granted by unanimous consent, **H 355**, having been held, retained its place on the Third Reading Calendar for one legislative day.

**S 1340**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1340** passed, title was approved, and the bill ordered transmitted to the House.

**S 1341**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1341** passed, title was approved, and the bill ordered transmitted to the House.

President Risch assumed the Chair.

The President announced that **S 1343**, having previously been read the third time at length, debate having previously been opened, and having been held, was before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and re-opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Coiner, Darrington, Gannon, Hammond, Kelly, Langhorst, Little, Lodge, McGee, Sagness (Malepeai), Schroeder, Stegner, Thorson (Stennett), Werk. Total - 20.

NAYS--Cameron, Corder, Davis, Fulcher, Geddes, Goedde, Heinrich, Hill, Jorgenson, Keough, McKague, McKenzie, Pearce, Richardson, Siddoway. Total - 15.

Total - 35.

Whereupon the President declared **S 1343** passed, title was approved, and the bill ordered transmitted to the House.

**H 424** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 35.

Whereupon the President declared **H 424** passed, title was approved, and the bill ordered returned to the House.

**S 1250** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Coiner and Stegner arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 35.

Whereupon the President declared **S 1250** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Langhorst, by voice vote the Senate adjourned at 12 noon until the hour of 11 a.m., Thursday, February 7, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary